

# EXHIBIT 5

12-000577  
 C120-065

Michigan Department of Energy, Labor & Economic Growth  
 Employment Relations Commission (MERC)  
 Labor Relations Division  
 313-450-3510

# CHARGE

Authority: RA. 380 of 1965, as amended.

DO NOT WRITE IN THIS SPACE

Case No. Date Filed  
 4/3/12

**INSTRUCTIONS:** File an original and 4 copies of this charge (including attachments) with the Employment Relations Commission at Cadillac Place, 3026 W. Grand Boulevard, Suite 2-750, PO Box 02988, Detroit MI 48202-2988 or 1375 S. Washington St., Lansing MI 48910. The Charging Party must serve the Charge on the opposing side within the applicable statute of limitations, and must file a statement of service with MERC. (Refer to the "How to File a Charge" document under the "Forms" link at [www.michigan.gov/marc](http://www.michigan.gov/marc).)

Complete Section 1 if you are filing charges against an employer and/or its agents and representatives. --or--  
 Complete Section 2 if you are filing charges against a labor organization and/or its agents and representatives.

1. EMPLOYER AGAINST WHICH THE CHARGE IS BROUGHT Check appropriate box: ☐ Private ☒ Governmental

Name and Address:

Mr. Lamont Sappal, Director  
 Labor Relations Department  
 City of Detroit  
 2 Woodward Avenue, Suite 304  
 Detroit, Michigan 48228

2. LABOR ORGANIZATION AGAINST WHICH THE CHARGE IS BROUGHT

Name and Address:

## 3. CHARGE

Pursuant to the Labor-Mediation Act (LMA) or Public Employment Relations Act (PERA) (cross out one), the undersigned charges that the above-named party has engaged in or is engaging in unfair labor practices within the meaning of the Act.

On an attached sheet you must provide a clear and concise statement of the facts which allege a violation of the LMA or PERA, including the date of occurrence of each particular act and the names of the agents of the charged party who engaged in the complained of conduct. The charge should describe who did what and when they did it, and briefly explain why such actions constitute a violation of the LMA or PERA.

The Commission may reject a charge for failure to include the required information. However, it is not necessary to present your case in full at this time. Documentary material and exhibits ordinarily should not be submitted with this charge form.

4. Name and Address of Party Filing Charge (Charging Party)  
 (If labor organization, give full name, including local name and number)

MI AFSCME Council 25, and the Coalition of City of Detroit Unions

Telephone Number:

(313) 964-1711

5. List ALL related MERC case(s) (if any):

(Name of parties)

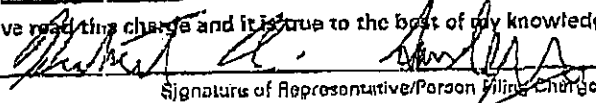
Case No.: N/A

Judge: N/A

Case No.: N/A

Judge: N/A

I have read this charge and it is true to the best of my knowledge and belief.

  
 Signature of Representative/Person Filing Charge

Email:  
 hasanders@miafscme.org  
 Telephone/Cell No.:  
 313/964-1711/313-418-1283

Print Name and Title:  
 Herbert A. Sanders, Attorney

Fax No.:  
 313-964-0230

Street Address:  
 800 W. Lafayette, Ste 600

City:  
 Detroit

State:  
 MI

Zip Code:  
 48228

The Department of Energy, Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

**CHARGE ATTACHMENT 3-4-2012**

After several months of marathon bargaining with the City of Detroit, including representatives of the Mayor's office, the City of Detroit, and the Coalition of City of Detroit Unions, which includes Michigan AFSCME Council 25, entered into a tentative agreement. Subsequently, the tentative agreement was ratified by the Coalition of City of Detroit Unions on March 22, 2012. To date, the Detroit City Council has failed to execute the negotiated agreement. The actions of the City of Detroit as delineated herein constitutes bad faith bargaining.

**Herbert A. Sanders**  
**Legal Director, Michigan AFSCME Council 25**

## PROOF OF SERVICE

The undersigned certifies that a copy of the attached documents were served upon all parties of record and the MERC to the respective business addresses as disclosed by the pleadings of record by first class mail and fax on: April 3, 2012.

Signature: 

# CHARGE

Authority: P.A. 380 of 1965, as amended.

12-001181

DO NOT WRITE IN THIS SPACE	
Case No. 12 F-125	Date Filed 7/2/12

**INSTRUCTIONS:** File an original and 4 copies of this charge (including any attachments) with the Employment Relations Commission at: Cadillac Place, 3026 W. Grand Boulevard, Suite 2-750, PO Box 02988, Detroit MI 48202-2988 or 1375 S. Washington St., Lansing MI 48910.

Complete Section 1 if you are filing charges against an employer and/or its agents and representatives.  
— or —

Complete Section 2 if you are filing a complaint against a labor organization and/or its agents and representatives.

If you are filing against both an employer and a labor organization, you must use separate sets of charge forms.

**1. EMPLOYER AGAINST WHICH CHARGE IS BROUGHT** Check appropriate box: ☐ Private ☒ Governmental

Name and Address:

Lamont Satchel, Director of Labor Relations  
City of Detroit  
2 Woodward Ave., Ste. 332  
Detroit, MI 48226

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EMPLOYMENT RELATIONS COMM.  
DETROIT OFFICE

**2. LABOR ORGANIZATION AGAINST WHICH CHARGE IS BROUGHT**

Name and Address:

### 3. CHARGE

Pursuant to Act 176, Public Acts of 1939, as amended (Labor Mediation Act) or Act 336, Public Acts of 1947, as amended (Public Employment Relations Act) (cross out one), the undersigned charges that the above-named party has engaged in and is engaging in unfair labor practices within the meaning of Section(s) 10(1)(a, e) of the Act, in that: (Specify in detail the alleged violation, stating the facts supporting the charge including names, dates, places, etc. Use additional sheets if necessary; documentary material and exhibits should be retained until the hearing.)

Charging Party is a coalition of City of Detroit Unions ("Coalition"), so entitled. The Coalition consists of thirty-three (33) unions with members employed by the City of Detroit, the Respondent Employer. Most of the bargaining agreements of the unions within the Coalition terminate by their natural terms on June 30, 2012. The City is refusing to bargain toward new contracts, following the June 30th end date of the existing contracts, before imposing new contract terms on the Unions. The City is providing the Coalition Unions with a copy of the sixty-two pages of new terms, but giving merely hours for the Unions to review the proposed changes.

These new employment terms constitute regressive bargaining from the Tentative Agreement executed by the City and the Coalition on February 1, 2012, without justification for such regression. The City is unilaterally establishing new terms and conditions of employment without bargaining to impasse. The rushed discussion of these new terms constitutes bad faith bargaining, and the City is proposing these terms without expecting the Unions to agree to such given that they are so onerous. Charging Party seeks an immediate ruling on this issue.

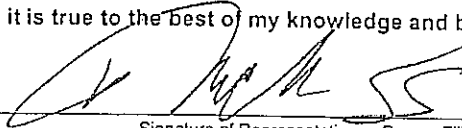
**4. Name and Address of Party Filing Charge (if labor organization, give full name, including local name and number):**

Coalition of City of Detroit Unions and Michigan AFSCME Council 25  
600 W. Lafayette Blvd.  
Detroit, MI 48226

Area Code and  
Telephone Number

(313) 964-1171

I have read the above charge and it is true to the best of my knowledge and belief.



Signature of Representative or Person Filing Charge

Print Name Richard G. Mack, Jr.

Title (if any) Attorney

Telephone Number  
(313) 964-4454

Address 600 W. Lafayette Blvd., 4th Floor

City Detroit

State MI

ZIP Code  
48226

STATE OF MICHIGAN  
EMPLOYMENT RELATIONS COMMISSION

COALITION OF UNIONS,

Union/Charging Party,

-and-

CITY OF DETROIT,

Employer/Respondent.

Case No.:

Docket No.:

MILLER COHEN, P.L.C.

By: Richard G. Mack (P58657)

Robert D. Fetter (P68816)

*Attorneys for Charging Party*

600 West Lafayette, 4<sup>th</sup> Floor

Detroit, MI 48226

(313) 964-4454

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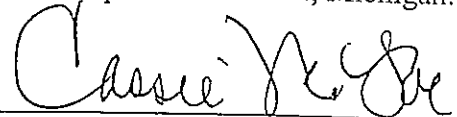
PROOF OF SERVICE

CASSIE M. POE says that on *June 29, 2012* she served a copy of the Charging Party's *CHARGE*, along with this *Proof of Service* upon:

Lamont Satchel, Director of Labor  
Relations  
City of Detroit  
2 Woodward Ave., Ste. 332  
Detroit, MI 48226

Craig S. Schwartz  
BUTZEL LONG PC  
41000 Woodward Avenue  
Stoneridge West  
Bloomfield Hills, MI 48304

via *Facsimile* and *U.S. First-Class Mail* and placing said document in a prepaid postage envelope and depositing same in a United States Postal Receptacle in Detroit, Michigan.



CASSIE M. POE

Subscribed and sworn to before me on  
June 29, 2012



Sue Dolesh, Notary Public

Oakland County, MI

My Commission Expires: 3 / 06 / 2014

Acting in Wayne County

MILLER COHEN, P.L.C.  
ATTORNEYS AND COUNSELORS AT LAW  
600 WEST LAFAYETTE BLVD.  
DETROIT, MICHIGAN 48226-0840  
(313) 964-4454